

## REMARKS

### I. PENDING CLAIMS AND SUPPORT FOR AMENDMENTS

Upon entry of this amendment, claims 1-36 will be pending in this application. Claims 6-35 have been withdrawn from consideration by the Examiner as drawn to a nonelected invention. Claim 36 is allowed.

Applicants have amended claim 1 to recite the additional step of coating at least one surface of the needled woven fabric with an aqueous latex emulsion. Support for this amendment can be found in the specification, *inter alia*, at page 3, lines 4-7; page 4, lines 15-16; page 5, lines 13-15. These portions of the specification clearly indicate that Applicants understood that the invention was the use of needling prior to application of a latex precoat in order to decrease or eliminate the need for application of a primer coating, and thus had possession of the invention at the level of abstraction currently claimed. *See In re Kaslow*, 217 USPQ 1089 (Fed. Cir. 1983). Accordingly, no new matter has been added.

### II. INTERVIEW SUMMARY RECORD

The Interview Summary Record reporting the interview held on May 28, 2003 and attached to the current Office action contains an accurate summary of the discussion between Applicant's representative and the Examiner, and is incorporated herein by reference.

### III. ANTICIPATION REJECTIONS

#### A. Moler

In paragraph 4 of the Office action, the Examiner has rejected claims 1-3 as anticipated by Moler (U.S. Patent No. 2,991,536). Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

Moler discloses needling fabric in order to felt it. There is no disclosure or suggestion of needling combined with coating the fabric with an aqueous latex emulsion, or that needling would eliminate the need for a primer coating prior to application of the latex. Thus, Moler not only fails to anticipate the claims as amended, it also fails to render them obvious, since it contains no teaching or suggestion of the unexpected advantages obtained by needling combined with coating.

B. Foster

In paragraph 5 of the Office action, the Examiner has rejected claims 1-5 as anticipated by Foster (U.S. Patent No. 4,309,800). Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

Foster is similar to Moler in that it is directed to felting fabrics by needling them, not to preparing fabric surfaces for coating with an aqueous latex emulsion in order to eliminate the need for a primer coating. As with Moler, Foster fails to anticipate or render obvious the rejected claims for this reason.

C. Duval et al.

In paragraph 6 of the Office action, the Examiner has rejected claims 1-3 and 5 as anticipated by Duval et al. (U.S. Patent No. 5,792,715). Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

Duval et al. disclose preparing composite fibrous articles (e.g., for use as brake linings), and their process is to a large degree driven by the properties necessary in a brake lining. Duval et al. bond layers of fibrous material together by needling them through their entire thickness. See column 3, lines 51-60. They do not use any form of adhesive or latex coating between fibrous layers. As a result, there is no teaching in Duval et al. of the coating step recited in claim 1, and Duval et al. does not anticipate this claim, or those claims depending from claim 1. Moreover, Duval et al. do not contain any suggestion that an aqueous latex emulsion should be applied to any surfaces of the fibrous materials disclosed therein, and would not have rendered Applicants' claimed invention obvious.

## CONCLUSION

Applicants note with appreciation the Examiner's indication that claim 36 is allowable over the art of record, and submit that claims 1-5 are also allowable over the art of record, for the reasons set forth above. An early notification to this effect is solicited. If the Examiner believes that further issues remain to be resolved with respect to claims 1-5, he is respectfully requested to contact the undersigned to discuss these issues prior to issuance of a final rejection.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,



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